

match, and that should certainly be an inspiration to all young people who want to compete because as winner and loser, they both talked as winners and indicated how important it was that they were able to represent the United States at the U.S. Open.

Andre Agassi is good on the court and off the court with the tremendous work he has done with the Andre Agassi Foundation. He has helped the youth of Las Vegas by giving them a helping hand in growing up to be successful individuals. His foundation even branched out to a program to help women and children who have become victims of domestic abuse.

Today on the floor of the U.S. Senate, I congratulate a great American, Andre Agassi, someone who will go down in the annals of history as a great athlete and who will go down in the annals of history in the State of Nevada as a good person. Andre Agassi is someone who is willing to help those who certainly aren't as fortunate as he.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll. Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. CRAIG. Mr. President, as in executive session, I ask unanimous consent that immediately following the two cloture votes scheduled for 5 p.m. today, and regardless of the outcome of those cloture votes, the Senate proceed to executive session for the consideration of Executive Calendar No. 210, the nomination of Maryanne Trump Barry to be the U.S. circuit judge for the Third Circuit. I further ask unanimous consent that the Senate immediately proceed to a vote on the confirmation of the nomination with no intervening action or debate. I finally ask consent that following that vote, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Mr. REID. Reserving the right to object, and I shall not object, other than to say it would be nice if the majority leader would allow that one to go to voice vote. But if he will not allow that, I will be happy to withdraw my objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent it be in order to ask for the yeas and nays at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2466, which the clerk will report by title.

The bill clerk read as follows:

A bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Gorton amendment No. 1359, of a technical nature.

Hutchison amendment No. 1603, to prohibit the use of funds for the purpose of issuing a notice of rulemaking with respect to the valuation of crude oil for royalty purposes until September 30, 2000.

Mr. BRYAN. Mr. President, I ask unanimous consent that the pending amendments be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator's request is granted.

AMENDMENT NO. 1588

(Purpose: To make certain modifications to the Forest System budget)

Mr. BRYAN. Mr. President, I call up amendment No. 1588, which I believe is currently at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself, Mr. FITZGERALD, Mr. DURBIN, Mr. REID and Mr. WYDEN, proposes an amendment numbered 1588.

Mr. BRYAN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 63, beginning on line 1, strike "\$1,239,051,000" and all that follows through line 6 and insert "\$1,216,351,000 (which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965 in accordance with section 4(i) of that Act (16 U.S.C. 4601-6a(i))), to remain available until expended, of which \$33,697,000 shall be available for wildlife habitat management, \$22,132,000 shall be avail-

able for inland fish habitat management, \$24,314,000 shall be available for anadromous fish habitat management, \$29,548,000 shall be available for threatened, endangered, and sensitive species habitat management, and \$196,885,000 shall be available for timber sales management."

On page 64, line 17, strike "\$362,095,000" and insert "\$371,795,000".

On page 64, line 22, strike "205:" and insert "205, of which \$86,909,000 shall be available for road construction (of which not more than \$37,400,000 shall be available for engineering support for the timber program) and \$122,484,000 shall be available for road maintenance:".

Mr. BRYAN. Mr. President, today I am offering an amendment with my colleague from Illinois and my colleague from Oregon that is a win-win for the American taxpayer and the environment.

Our amendment reduces the subsidy for the below-cost timber program administered by the Forest Service and for the construction of logging roads in our national forests.

In addition, our amendment reallocates needed monies to those Forest Service programs underfunded by the committee, such as road maintenance, wildlife and fish habitat management, and threatened and endangered species habitat management.

Each year, the American taxpayers spend millions of dollars to subsidize the construction of roads needed for logging on national forest lands.

The appropriations bill before us today contains over \$37 million for the Forest Service to assist in the construction and reconstruction of timber roads in our national forests. This assistance is in the form of contract administration, construction oversight, and engineering, planning, and design work performed by the Forest Service for the logging companies which are merely left with the task of building the roads to extract the timber.

Our amendment would reduce this subsidy by a modest amount, \$1.6 million, which is the amount the program was increased above the administration's budget request.

Similarly, this bill contains \$228.9 million for the administration of the timber sale program, which is more than \$32 million above the administration's budget request.

These expenditures for a money losing timber program are an enormous drain on the Treasury.

In their most recent Forest Management Program Annual Report, dated July 1998, the Forest Service acknowledges losing \$88.6 million from their timber program in fiscal year 1997.

This was the second consecutive year that the Forest Service reported a loss.

In addition to the reported loss, the \$88.6 million figure excludes a full accounting of all costs associated with logging.

In past fiscal years, independent analyses estimate the loss from below-cost timber sales are far greater than those reported by the Forest Service.

The General Accounting Office estimated that the timber program cost

taxpayers at least \$1.5 billion from 1992 to 1997.

Our amendment would reduce funding for timber sale management by \$32.015 million to the level requested by the administration.

In spite of the fact that our National Forests supply a mere 4 percent of our nation's annual timber harvest, this bill continues to reflect the dominance of the timber program at the expense of other programs designed to improve forest health and enhance the public's enjoyment of our national forests.

More than 380,000 miles of roads criss-cross the national forests. This is a more extensive road network than the National Interstate Highway System.

The Forest Service estimates that over 80% of these roads are not maintained to public safety and environmental standards.

As a matter of public policy, I would argue that it makes more sense to maintain the roads we already have than to spend money building new roads we don't need.

Many scientists have found that road building threatens wildlife because it causes erosion of soils, fragments intact forest ecosystems, encourages the spread of noxious weeds and invasive species, and reduces habitat for many animals needing refuge from man.

It has been found that when roads wash out they dump rocks and soil on lower slopes and into streambeds, and even when they remain intact, roads act as channels for water and contribute further to the erosion of lands and streams.

Scientists say that the overall effect is that the streams and rivers fill with silt and the shallower waters mean degraded fish habitat and more flooding.

In my home state of Nevada, the road network throughout the Lake Tahoe basin has been identified as a major contributor to the degradation of water quality and decline in clarity of Lake Tahoe.

An important component of the Forest Service's road maintenance program involves the decommissioning of old logging roads.

This program has been essential to efforts in the Lake Tahoe basin to improve erosion control and the overall water quality of the lake.

The bill before us today cuts the administration's request for road maintenance by \$11.3 million.

The Forest Service has indicated that their annual road maintenance needs total \$431 million per year, and that their backlog for deferred maintenance totals \$3.85 billion.

The bill before us today provides less than a quarter of the funding the Forest Service requires to address their annual road maintenance needs.

Addressing this need would have considerable environmental benefits, such as reducing erosion from roads and storm proofing existing culverts.

It is important to remember that the timber industry's responsibility for

maintaining logging roads ends with the end of the timber sale, leaving all future maintenance costs to the taxpayer.

Our amendment adds \$5.3 million for important road maintenance projects throughout our national forests.

The National Forests include nearly 200,000 miles of fishable streams and more than 2 million acres of lakes, ponds and reservoirs that support hundreds of inland fish species with important recreational, commercial, and ecological values.

The inland fisheries habitat management program allows the Forest Service to protect and restore inland streams and lakes, along with the fish and aquatic life they support.

The bill before us today cuts the administration's request for this program by \$7 million.

Our amendment proposes to restore \$3.115 million in funding for this program.

This additional funding would allow the Forest Service to enhance or restore several hundred miles of stream and over 400 additional acres of ponds, lakes, and reservoirs.

The National Forests also provide critical spawning and rearing habitat for Pacific, Great Lakes, and Atlantic stocks of anadromous fish, such as salmon, sturgeons, and lampreys.

These stocks contribute significantly to the quality of life, recreational and commercial fishing, and the economy of local communities.

The Interior bill cuts the administration's funding request for anadromous fisheries habitat management by \$6.4 million.

Our amendment proposes to restore \$1.6 million for this program.

This funding will enable the Forest Service to complete critical work on over 100 additional miles of anadromous streams and 1,000 acres of additional acres of anadromous lakes and reservoirs, complementing the efforts of our state, federal, and tribal partners.

The wildlife habitat management program of the Forest Service for fiscal year 2000 will focus on prescribed burns to improve wildlife habitat.

It will help to develop and protect wetlands and water sources in arid habitats for waterfowl, quail, and wild turkey, in addition to restoring riparian habitat that benefits big game.

The subcommittee cut \$5 million from the wildlife program.

Our amendment would restore \$1.6 million in funding for this program.

This funding would provide for an additional 8,000 acres of important habitat improvement, which would benefit both game and nongame species, and result in enhanced opportunities for wildlife-related recreation.

The activities of the threatened, endangered, and sensitive species program serve to achieve recovery goals for threatened and endangered animals and plants.

The Forest Service has indicated that this program continues to be essential to the mission of their agency.

The committee cut the endangered species program by \$5 million.

Our amendment would restore \$2 million for this program, which would allow the Forest Service to pursue conservation strategies to prevent the need for listing, thereby avoiding the loss of management flexibility and increased operating costs once listing occurs.

Mr. President, the \$20 million our amendment adds to wildlife, fisheries, and rare plant habitat management programs would enable the Forest Service to increase Challenge Cost-Share partnerships with organizations throughout the country, enabling the agency to leverage funding, better serve the public, and improve vital habitats for fish and wildlife.

This funding is an investment for the nation's 63 million wildlife watchers, 14 million hunters, and 35 million anglers who spend approximately 127.6 million activity days hunting, fishing, and observing fish and wildlife annually on national forests.

This result in local community expenditures of billions of dollars and over 230,000 full-time equivalent jobs.

One out of every three anglers fish national forest waters nationally, and two out of three anglers in the West fish national forest waters.

That is why our amendment is supported by groups like Trout Unlimited, the American Sportfishing Association, and Wildlife Forever.

Mr. President, I would urge my colleagues to join a strong coalition of environmental, hunting, fishing, and taxpayer organizations in support of the Bryan-Fitzgerald-Wyden amendment.

I yield the floor.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1623 TO AMENDMENT NO. 1588
(Purpose: To make available funds for the survey and manage requirements of the Northwest Forest Plan Record of Decision)

Mr. BRYAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself, Mr. WYDEN, and Mr. FITZGERALD, proposes an amendment numbered 1623 to amendment No. 1588.

Mr. BRYAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 1, line 3, strike "\$1,216,351,000" and all that follows through "management" on page 2, line 4, and insert

“\$1,225,351,000 (which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965 in accordance with section 4(i) of that Act (16 U.S.C. 4601–6a(i))), to remain available until expended, of which \$33,697,000 shall be available for wildlife habitat management, \$22,132,000 shall be available for inland fish habitat management, \$24,314,000 shall be available for anadromous fish habitat management, \$28,548,000 shall be available for threatened, endangered, and sensitive species habitat management, \$196,885,000 shall be available for timber sales management, and \$10,000,000 shall be available for survey and management requirements of the Northwest Forest Plan Record of Decision, for which the draft supplemental environmental impact statement is to be completed by November 15, 1999, and the final environmental impact statement is to be published by February 14, 2000”.

On page 2, line 6, strike “\$371,795,000” and insert “\$365,795,000”.

On page 2, line 11, strike “\$122,484,000” and insert “\$116,484,000”.

Mr. BRYAN. Mr. President, I note that my colleague, one of the prime sponsors of the amendment, has joined us on the floor. I yield the floor at this point.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I express my appreciation to the Senator from Nevada for all his effort in working with me and other colleagues from the Pacific Northwest on this issue. Folks in your part of the United States want to be sensitive to environmental values and economic needs in our communities. As a result of recent court decisions and other problems, instead of that win-win, we have essentially had a lose-lose, where we are not doing what is needed to protect environmental values; nor are we doing what is needed to protect communities—particularly rural communities—that have very legitimate economic concerns as a result of having resource-dependent economies.

The Senator from Nevada has been working with us. I will begin my remarks by saying what we are trying to do in the Bryan-Fitzgerald-Wyden amendment is incorporate some of the thinking that has been behind what the chairman of the subcommittee, Senator GORTON, has talked about on the floor and some of what Senator ROBB tried to do last week with respect to environmental values. I think if you look at the Bryan-Fitzgerald-Wyden amendment, you will see, to some degree, efforts to try to reconcile some of the important points that Senator GORTON has made and the important points Senator ROBB has made that are brought together in our amendment so we can take advantage of an opportunity to both improve the environment and move timber more quickly from the forests to the mills.

When President Clinton took office in 1993, he came to the Pacific Northwest with a promise to help resolve the battle over owls and old growth. The administration put in place the North-

west Forest Plan which promised protection for my State's ancient forests, and also sustainable forestry for a State that has long been dependent in rural communities on forestry for family wage jobs.

Over the past few months, the plan, which has already been failing to deliver what it promised, threatened to come completely undone when a Federal judge ruled that the Forest Service had failed to conduct biological surveys—an obligation known as survey and management—as required under the court-approved Northwest Forest Plan.

Later this week, in the Forestry Subcommittee, chaired by my friend and colleague, Senator CRAIG, we are going to talk about who exactly is to blame for that fiasco. But today, we in the Pacific Northwest are left with dozens of suspended timber sales as a result of the Forest Service's failure to follow through on environmental protection obligations.

The Bryan-Fitzgerald-Wyden amendment would earmark resources for this costly environmental work and place a stringent timetable on the completion of the surveys' environmental impact statement. Thus, by making sure these environmental surveys get done, and done quickly, we will help both the environment and timber workers do well.

Building on the philosophy that we heard from Senator GORTON, that the program has not worked very well, and what we heard from Senator ROBB about the importance of environmental values, what Senator BRYAN, Senator FITZGERALD, and I are trying to do is incorporate some of the thinking behind both of those approaches so we can try to put this survey and management program on track but also bring to it some of the accountability that Senators GORTON and CRAIG are absolutely right in saying has been lacking in the past.

I have shared, as I say, many of the concerns of the manager of the bill. But I don't think we can simply waive survey and management requirements altogether because what will happen is that will lead to a full employment program for lawyers if it were adopted and, even if in the short term, very serious problems because the bill would be vetoed by the President if section 329 survived conference in its present form.

In August of this year, right after the first Northwest Forest Plan timber sales were enjoined, Senator MURRAY and I sent a letter to Under Secretary Lyons asking that the Forest Service and BLM meet with our offices to discuss how and why the survey and management requirements were stopping the Northwest Forest Timber Program and what could be done about it.

Initially, in the August meeting between agency staff and the congressional staff, held both in D.C. and in my hometown of Portland, the Forest Service stated that \$10 million more funding for personnel and addressing

the scientific issues was necessary in order to get the survey and management program back on track. So let's be clear; the survey and management program is an unparalleled undertaking. It is going to provide new scientific protocols and data that can be useful in forests across the country. But it has to be done in a way that addresses the legitimate issues with respect to accountability that our colleague from Washington State, Senator GORTON, and Senator CRAIG of Idaho have addressed on this floor.

So the Bryan-Fitzgerald-Wyden amendment directs \$10 million for survey and management requirements to help the Forest Service conduct surveys on judicially stalled timber sales for species with known survey protocols. It will help the Service create protocols for the species currently lacking such data. This money starts us toward completion of the environmental scientific work that is necessary to move timber sales toward harvest.

During the August meetings, the Forest Service was initially optimistic about the time it would take them to complete the environmental impact statements which they believe will answer the questions with respect to the success of the Northwest Forest Plan. At first, the Forest Service told me in a draft response to the letter Senator MURRAY and I sent them that the environmental impact statement, draft statement, would be completed this fall, and that the final would be ready early next year. Now the Forest Service is telling us that the draft will be available for public comment by December and perhaps the final environmental impact statement will be ready in May or June of next year. They have not given us any indication, other than overlap of this work with the holidays, why the timing of the work had to change.

The Forest Service has been working on this project since 1997 and knew since 1994 that the survey and management requirement was coming down the pike. I certainly wasn't one who succeeded in getting his homework always done on time, but the Forest Service's timetable reflects extraordinarily poor planning, by any calculus.

It is time for some accountability. We are going to have a chance to discuss those accountability issues later this week. I note the chairman of the Forestry Subcommittee has arrived. He knows I share many of his concerns about the lack of accountability with respect to the Forest Service on survey and management, and in other key areas.

The Forest Service needs administrative deadlines to move this process along. They need to make this environmental impact statement a priority and get it done. The Bryan-Fitzgerald-Wyden amendment states the survey and management draft environmental impact statement should be completed

by November 15 of this year, and the final version of that impact statement should be published by February 14, 2000.

Those deadlines also allow for the public a comment period required by law, plus some additional time for open and public discussion.

This administration for years has been promising Congress they will get to work on the Northwest Forest Plan. The time for those empty promises is over. This administration needs some direction, and they need the extra money to achieve it.

Finally, let me reiterate what I think the Bryan-Fitzgerald-Wyden amendment does. I say this to colleagues on both sides of the aisle. It incorporates much of the important analysis done by Senator GORTON and Senator CRAIG with respect to why the survey and management program has not worked and why the administration has dragged its feet on it while at the same time trying to incorporate the environmental concerns Senator ROBB has legitimately addressed to ensure this program gets carried out.

Under the Bryan-Fitzgerald-Wyden amendment, we would add the money necessary to carry it out. But we would finally have some real accountability and some real deadlines to make sure these important obligations, both in terms of environmental protection and in terms of meeting economic needs of rural communities, are addressed.

I hope my colleagues on both sides will support it. If we adopt this amendment, I believe the end result will be healthier forests and a healthier timber economy.

I, again, thank my colleague from Nevada for all of his assistance. I know my colleagues from Idaho and Washington as members of our Senate delegation from the Northwest have strong views on this as well. The Senator from Idaho knows how much I enjoy working with him. We are getting ready to go forward with our accounting payment legislation which gives us a chance to break some gridlock in that area. I am hopeful as we go forward on this important Interior bill we can also break the gridlock with respect to survey management and have additional funds that are needed but also additional accountability. That is why I am hopeful my colleagues on both sides of the aisle will support the Bryan-Fitzgerald-Wyden amendment.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Idaho.

Mr. CRAIG. Madam President, as we debate the Interior appropriations bill—and now the amendment and the substitute amendment offered by Senators BRYAN and WYDEN—I guess I can say at the outset that the only thing I arrive at in trying to consider a \$34 million cut in a very essential program to the U.S. Forest Service, especially when the advocacy of the cut comes from the two Senators from large public land Western States such as Nevada

and Oregon, is “frustration” over the lack of understanding by a Senator from Nevada who is responsible for representing his State which is predominantly a public lands State where grazing on public lands and mining the natural resources from those public lands are two of the primary economies of that State, that he would not be supportive of programs within the U.S. Forest Service that deal with public land resources in an appropriate and responsible way.

I say that before I get to the specific issues of the amendment because I find it fascinating that in a publication called “Public Lands Forests, What We Get, What We Pay For”—an interesting publication from the Political Economy Research Center which deals with the subject that the Senator from Nevada knows a great deal about, and in fact knows a great deal more about than I do as the chairman of the Forestry Subcommittee. That the Tahoe Basin, a beautiful and unique area in his State that is being dramatically impacted at this moment by a lack of forest management in a responsible way as we begin to see a relatively affluent urban interface grow around Lake Tahoe and into a forest that is dramatically different than what it was 40, 50, or 100 years ago.

Let me quote from this article. I am trying to set a tone for my frustration over why the Senator from Nevada is doing what he is doing and the Senator from Oregon would join with him. Let me quote from this publication, and the title to the article is called “One Spark From Disaster.”

I quote:

As the road dropped out of the Sierras into the Lake Tahoe basin below, the scenery made an abrupt change from healthy, green forests to dead and dying stands of timber. The congressmen on their way to the June 1997 Presidential Summit on the problems facing the lake and surrounding basin were taken aback by what they saw. Later, during a session on forest health, U.S. Senator Richard Bryan of Nevada exclaimed, “This forest looks like hell!” It appeared as if someone had drawn an imaginary line across the landscape and then nurtured the trees on one side, while destroying those on the other.

What the Senator was experiencing was what many are now experiencing on a Forest Service landscape across our Nation where we have constantly put out fires over the last 75 to 100 years and have not gone in and done selective logging or fuel reduction on our forest floors. We have literally created jungles—jungles that some would like to portray as beautiful, sweeping landscaped timbered vistas when it is quite obvious they are jungles that in the right environment—and the Tahoe Basin gets that environment every so often—could explode into total disaster of the landscape by the kinds of fires California has experienced this year and as have other parts of the country. Those of us more to the North in the Pacific Northwest have been fortunate enough this year in that our relatively unmanaged forests—and mismanaged

in some instances—have been wet enough that we haven’t had the fire threat.

The article goes on to say:

Ironically, forest management practices on surrounding federal lands have put at risk the very qualities they were supposed to preserve: the integrity of the forest and the clarity of the lake below—

Talking about the beautiful Lake Tahoe—

Environmental regulations have delayed some management actions and restricted timber harvests for forest treatments.

It has resulted, of course, in the situation that I described around the Tahoe Basin.

Of course, the reason the Senators from Nevada are appropriately concerned about the Tahoe Basin is not timber production per se because I don’t think you would view the Tahoe Basin as being an area where you would expect timber production, but it is the recent interfacing of resort homes—summer homes, many of them going in the millions of dollars—that use Lake Tahoe and find Lake Tahoe to be a marvelous place to live and, of course, coupled with the thousands of tourists who come there on an annual basis to see this tremendously beautiful high mountain alpine lake.

Why, then, would a Senator from Nevada want to cut a program where the money is utilized to do the necessary surveys and the preparations for the kind of fuel unloading or fuel decreases that Tahoe Basin would need because most of our timber sales are no longer green sales, they are sales of dead and dying timber. They are sales that are a product of forest health and not an ongoing aggressive timber program of the kind that brought the environmental outcry of a decade or two ago.

I must say the Senator from Oregon has a bit of a different circumstance. He and I joined ranks on the floor last week on a very critical issue. As you know, when this administration came to town a few years ago, they were faced with the situation of a timber industry imploding in the State of Oregon, imploding as a result of a spotted owl decision that took a tremendous amount of the timbered landscape of that State—both Forest Service and BLM timber—off the table, or at least had locked it all up in the courts.

This President, with the right intention—with the right intention—went out to try to solve the problem and basically said: Let me reduce your cut by 80 percent and for the other 20 percent remaining, or something near that, we will focus all of our intent there, all of our energy, and do the finest environmental assessment possible, and that you will be able to log.

We know the court decisions have gone well beyond the intent of the Endangered Species Act—reasonable and right surveys—and basically even stopped all of that logging.

I can understand why the Senator would want to try to divert money to solve his problem. But he also probably

fails to recognize that, in that diversion, he is affecting timber sales or timber management programs everywhere else in the country because while he is supporting taking 34 million dollars out of that sales and preparation base and putting some of it over into surveys, he is denying the States of Arkansas, Idaho, and others the very resources they need to keep their people working and to keep an industry that is now staggering to stay alive on its feet.

That is what brings Members to this point. Yes, we come to the floor now after having dramatically reduced these programs in the name of the environment—and in many instances appropriate reductions—and say we have to notch them down even more.

For the next few moments I will talk about the adverse effects on rural communities and jobs that the Bryan-Wyden substitute will have. That substitute takes money away from the program that supports good family jobs. I am talking about good-paying jobs. The two Senators plan to redirect funds out of the timber program into wildlife surveys and road maintenance, which I think will be counterproductive because we are already putting millions of dollars into that program.

For me to oppose their amendment does not mean we oppose the surveys. We know we have ramped up the amount of money that goes into those surveys and, of course, in ramping up the surveys, added costs to every timber sale. Then the Senator from Nevada can come to the floor and talk about these timber sales being too expensive and we ought to eliminate them. The reason they are expensive is that the court and some in the environmental community are demanding the money be transferred over to do the surveys.

It is a Catch-22. We shove these costs off on to the price of a timber sale. We escalate it to the point it is not a cost-effective timber sale. Therefore, we give some Senators a basis to come to the floor and argue we ought to eliminate them because we can't make money at them when, in fact, the politics have pushed the cost of the surveys well beyond what would be reasonable, appropriate, and responsible, for the purpose of cutting those trees. That is the ultimate Catch-22 in forest management today that has nearly laid the State of Oregon low and has dramatically impacted the State of Idaho.

Regarding the timber funding and the Forest Service that prepares the administrative forest activities, the committee already has an appropriate amount for wildlife and for road funding. Redirecting funds, as I have said, will harm the timber program. It will not be consequence free. It will cost jobs in Arkansas, in Idaho. It could cost jobs in other forested States across the Nation where there remains a struggling timber program.

The President traveled this summer to several sections of the country suf-

fering from poverty. I applaud him for dramatizing where poverty still exists in a country today that is nearly at full employment. It is almost ironic that in nearly the same breath it could be said that we are at full employment yet we have in certain areas high degrees of poverty. Most of that poverty exists in rural areas today. Most of that poverty exists in rural areas where those communities of working men and women are tied directly to the public lands and tied to the resources of those public lands.

Nearly one-third of the counties adjacent to national forests suffer poverty levels that are at least one and a half times higher than the national average. Let me refer to a fascinating chart that comes from the U.S. Forest Service's TSPIRS employment figures.

I refer to the solid bars on this chart showing employment from the harvesting and processing of national forest timber between 1989 and 1997—just over a few years—has dropped from 140,000 working men and women to 55,500. Let me repeat that. That is more dramatic than any other employment sector in our country, except in the making of buggies and buggy whips, and no young person on this floor even knows what I am talking about because that industry died a long time ago. In a decade we have lost from a 140,000 high down to 55,000 jobs for working men and women. The Senator from Nevada wants to take that down even further by the action he proposes today.

I am not quite sure I understand why, but let me show the very real impact. I am tremendously familiar with this because not only in my lifetime but in my tenure in the Congress, from when I started serving in 1981 until today, what I speak of has happened. I have watched it happen. I have been to the locations. I went to Grangeville, ID. I watched grown men sit on stacks of lumber and cry, literally, tears rolling down their cheeks because there were no more trees to cut under the Federal forest plan and they had lost their job. The mill was going to be unbolted, placed in shipping containers, and sent to Brazil to cut the rain forests because the environmentalists decided that the Nez Perce Forest in Idaho was no longer producing trees—although it was growing 10 times more trees than it was cutting.

What happened? Here are the very dramatic figures from a tremendously narrow period of time. The State of Washington, 1989 to today, 55 mills closed and the loss of 3,285 jobs; Oregon, 111 mills closed and the loss of 11,600 jobs; Montana, 13 mills closed and 1,083 jobs lost; Idaho, 17 mills and 707 jobs lost.

Let me talk about Midvale, ID, my hometown. If I am a little sensitive today, I should be. I used to go to that mill and buy lumber. It employed 45 men. The attitude on the floor is: What is the big deal? It is only 45 jobs. But it was 45 jobs and 45 homes in a commu-

nity of 300 people—not 30,000, not 50,000, not 100,000, but a community of 300 people. To lose 45 jobs is to lose a lot. That mill has closed. Why? Because on the Payette National Forest, argumentatively, at least by national forest standards, there were no more trees to cut.

That is why I can responsibly and legitimately turn to the Senator from Nevada today and say: Senator, your bill destroys jobs. Your bill destroys high-paying jobs, \$35,000, \$45,000, \$55,000-a-year jobs for men and women, important jobs in rural communities, in Idaho, Oregon, Washington, California, Arkansas, Mississippi, Alaska.

In talking of mill closures—and I referred to the dramatic numbers—let me also quote the Western Council of Industry Workers, the United Brotherhood of Carpenters and Joiners of America. It is their people, in many instances, who are losing these jobs. They say:

Legislative efforts to reduce funding for forest management programs seriously jeopardize the livelihoods of our members and tens of thousands of forest products workers nationwide. Job loss within our industry has been severe, as the timber sales program has been reduced by 70 percent since the early 90s.

A 70-percent reduction in the timber program, a reduction in jobs from 140,000 to 55,000, and the Senator from Nevada wants to cut it even deeper. It is pretty hard to understand why, especially when you look at the new environmental standards of today and what the Forest Service is demanding of a timber sale as it relates to the survey and the kind of mitigation plan that comes because of the Clean Water Act and the Clean Air Act and, of course, the National Environmental Policy Act and the Endangered Species Act and all of those kinds of rules and regulations and processes and procedures that by law are required. I am not sure I understand why.

I do know several years ago the National Sierra Club developed as one of their policies, zero cut on public lands. I know that is what they believe. I know that is what they advocate. I know they are champions of this kind of amendment because if you cannot stop logging altogether, you stop it a little bit at a time until it is all gone, even if the health of the forests are at the point of explosion from wildfires like those being experienced in California today, and even if the Tahoe Basin runs at a high risk, with the risk not just to the trees but the loss of hundreds of multimillion-dollar homes where the wealthy come to play and reside in the urban/rural interface. That is the issue at hand.

I will go on to quote from those men and women who work in the industry. They say:

More than 80,000 men and women have lost their jobs as that timber program has reduced by more than 70 percent since 1990.

We know that is real. The Senator from Oregon knows it is real. The Senator from Idaho knows it is real. I have

attended the mill closures. My guess is, so has the Senator from Oregon.

I ask unanimous consent to have printed in the RECORD these letters from the Western Council of Industrial Workers and the United Brotherhood of Carpenters and Joiners of America, opposing reductions in the timber program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WESTERN COUNCIL OF INDUSTRIAL WORKERS, UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,

Portland, OR, July 19, 1999.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the 20,000 men and women of the Western Council of Industrial Workers (WCW), I urge you to oppose any effort to reduce funding for the U.S. Forest Service timber sale and related programs when the FY 2000 Interior Appropriations bill comes to the Senate floor for consideration.

Legislative efforts to reduce funding for forest management programs seriously jeopardize the livelihoods of our members and tens of thousands of forest products workers nationwide. Job loss within our industry has been severe as the timber sale program has been reduced by almost 70 percent since the early 1990s. More than 80,000 men and women have lost their jobs due to this decline and further cutbacks in these important programs will only add to the unemployment.

Additionally, adequate funding for forest management programs is critical to protect the health of our forests. According to the Forest Service, approximately 40 million acres of our national forests are at high risk of catastrophic forest fire. Active management is the single most effective tool for reducing the risk of wild fires and protecting nearby communities, as well as maintaining forest health and limiting the spread of insects and disease.

The WCW urges you to support land management policy that provides an adequate balance for all concerns—environmental and economic. Please support the current funding levels in the FY 2000 Interior Appropriations bill and oppose any effort to cut funding for these important active management programs.

Thank you for your consideration.

Sincerely,

MIKE PIETI,
Executive Secretary-Treasurer.

UNITED BROTHERHOOD OF
CARPENTERS AND JOINERS OF AMERICA,

Washington, DC, July 21, 1999.

DEAR SENATOR: On behalf of the United Brotherhood of Carpenters and Joiners of America, I urge your support for the federal timber sale program as the Senate debates the Fiscal Year 2000 Interior Appropriations bill. Additionally, I urge you to oppose any harmful amendment that seeks to reduce timber sale funding.

The livelihoods of U.S. forest products workers—including tens of thousands of our lumber, sawmill, pulp and paper workers—rely on Forest Service programs that promote active management. Timber harvests on federal lands have fallen by almost 70 percent over the last decade, resulting in mill closures and job loss. Further reductions in funding for the federal timber sale program will only exacerbate the economic devastation to working families and rural communities. Also reductions in timber supply continue to contribute to the rising U.S. trade

deficit in the forest products sector, as wood and paper imports reach record levels.

In addition, the health and vitality of our nation's forests are being crippled by crisis. Twenty-six million acres are in jeopardy from insect and disease, while forty million acres are at risk to catastrophic wildfire. Our union supports responsible efforts to protect our forests, including thinning and harvesting to maintain forest health, limit the spread of insect infestation and reduce the risk of forest fires.

We must continue our nation's global leadership in environmental stewardship without sacrificing the livelihoods of thousands of working families. The UBCJA urges you to help protect forests, jobs and communities by supporting the current funding levels for the federal timber sale program in the FY 2000 Interior Appropriations bill and by opposing any effort to reduce funding for this essential program.

Thank you for your consideration.

Sincerely,

DOUGLAS J. MCCARRON,
General President.

Mr. CRAIG. Unemployment in rural timber-dependent communities is in double-digit figures despite rosy employment figures in the rest of America. The Senator from Oregon and I visited similar communities—he in his State, I in my State—over the August recess. I can go from my community of Boise where there is near zero unemployment—it is a growth community, it is a high-tech community, it is doing very well—and I can drive 100 miles to a community that has 14 to 16-percent unemployment. Why? That community is right here. That community is right here. That is because they were dependent upon the public lands and our Government and the politics of the public lands said: Stay off the land. Don't cut a tree. The mills closed or the mill is closing or the mill is at risk. Those people are unemployed.

They cannot identify with a job in the high-tech industry. Why? Each of them would have to move 100 miles and uproot their family and they would have to be retrained and educated. A 45-year-old man does not want to do that. He cannot understand, if we are growing five times more trees than we are cutting, why we cannot at least create a balance in a program that will afford him or his son, who is graduating from high school and does not want to go on to college, a job in the forest products industry.

While the national average unemployment rate hovers at around 4 percent, more than 30 forest-dependent counties have three times that rate. Over a dozen forest-dependent counties have an unemployment rate of 16 percent. I believe the Bryan amendment will bring even further economic harm to the people of those rural areas.

When I first got here in 1981, there was a mantra about the debate on the forest products industry and about forest management: Take away a few jobs and we will replace them. We will replace them with tourism and recreation. It was America wanting to go to the public lands to enjoy the environment of the public lands.

To some extent that has happened but only to a minor degree compared to

what was projected during the decade of the early 1980s. But remember, while some of it happened, the kind of jobs that were created were fundamentally different jobs from those \$30,000, \$40,000, \$50,000-a-year jobs that I am talking about in the forest products industry. A maid or waitress or a gas station attendant or a tour guide does not make that kind of money. They work at slightly above minimum wage. They have no health benefits. They have no retirement program. Their work is seasonal. They are oftentimes out of work 4 or 5 months out of the year. And, yes, they are on welfare. And, yes, they qualify for food stamps.

I must say these once were the proud men and women of the forest products industry that we politically destroyed. We politically destroyed it. We are here today for politics. We are politically trying to destroy what remains of a responsible way of managing our forests today, not because it is the right thing to do from a management point of view but because it is the right thing to do politically. I know of no other reason. I cannot understand why the Senator from Nevada, who comes from the great public land State that he does, would want to turn his back on one segment of the economy of a public land State such as Idaho or Nevada.

He and I stand arm in arm together on mining issues. I was in Elko, NV, last week in a community that 15 years ago was 5,000 people; today, 25,000 people, not because of the high-tech industry but because of gold, gold in the Carlin Trend; mining, high-priced jobs being paid to thousands of men and women in the mining industry. So when we battle on that issue, the Senator from Nevada and I stand arm in arm. But when we try to work on a reasonable and responsible forest management plan that allows some tree cutting, I am tremendously frustrated the Senator from Nevada and I cannot stand arm in arm on that issue also.

It is an issue of jobs. It is an issue of right and responsible ways of managing our forests. It is political. I am saddened that it is.

The substitute amendment transfers \$10 million of the reduction that I have talked about, \$34 million in timber funds to pay for surveys on rare species. I do not think that is responsive to the problem of the unreasonable wildlife survey requirements in the President's Northwest Forest Plan, which we discussed in this body last week.

First of all, the Forest Service timber sale budget is what pays for the surveys. Thus, rather than a \$10 million increase for this purpose, the net effect of this proposal is a \$24 million decrease. So we give them not even a half a loaf. We give them a quarter of a loaf.

Second, the Clinton administration has agreed that many of these surveys should not be done; indeed, many cannot be done. That is precisely why the administration is writing an EIS in an

attempt to change these requirements. Unfortunately, timber sales are enjoined until the EIS is completed.

I happen to agree with the editorial statement this past Sunday in the *Portland Oregonian*, the largest and most respected newspaper in Oregon. The *Oregonian* correctly notes that:

The surveys of rare species of animals and plants required in the Northwest Forest Plan are "technically impossible" and [they use the right word] "preposterous. . . ."

The Senate didn't use the word "preposterous," but last week the Senate said no to the judges; they are not going to let the judges in the Eleventh Circuit and the Ninth Circuit write policy. That is our job. That is what we are elected to do. They are appointed to interpret the Constitution and not to write timber policy. The *Oregonian* calls it "preposterous." The *Oregonian* further describes the requirements as:

. . . a poison pill—a way to block all logging and prevent the plan from working as it was designed.

Yet we want to put more money into that. It makes no sense to spend \$10 million for a prescription for a poison pill or for preposterous survey procedures. This Congress should not spend 10 cents in what I believe is a most inappropriate fashion.

That is the foundation of the debate as I see it. I believe that is a reasonable interpretation of why we are on the floor today. I know of no other. At a time when we have reduced the overall timber program in this country by 7 percent, we have reduced employment by almost 50 percent, and we have dramatically transformed the rural landscape to communities of unemployed people and empty homes. That is the policy of this Government at this time. And somehow we want to perpetuate that or increase it? I think not.

The only explanation possible that I believe is reasonable and right is the politics of it. We are on the floor today because the National Sierra Club and others said we ought not be cutting trees on public lands at all, zero, end of statement, not to improve health, not for fire prevention, not to create vibrant and youthful stands just do not cut them at all; let Mother Nature be our manager.

That is not good business. We know that is not good business, especially when man, for the last 40 or 50 years, has put out all the fires and not allowed Mother Nature to manage. Now when she has an opportunity to manage where there are 50 trees instead of 5—that would have been true 100 years ago—we create monstrous wildfires that not only destroy the stands but scald the land and make it sterile and nonproductive for decades to come. That is where man has to step back in as a good steward, a right and responsible steward, for all of the environmental reasons, the water quality reasons, and the wildlife habitat reasons for which we manage a forest.

I yield such time as is required to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Madam President, I thank the Senator from Idaho for clearly laying out the issues in this debate, and I associate my remarks with his.

I rise to strongly speak against the Bryan-Wyden amendment for a variety of reasons but, most importantly, because it simply does not support healthy and sustainable national forests. Many Senators, I suspect, will speak today claiming this reduction to the Timber Management Program makes sound fiscal and environmental sense.

From my perspective as an Arkansan, as a Senator from Arkansas, I can tell you that is far from the truth and that there are 35,440 workers in my home State who make up the forest products industry who strongly oppose this amendment. If our forests are not healthy and if we continue to ignore the problems facing these public lands, we run the risk of jeopardizing these jobs and the future health and sustainability of our Nation's forests.

During the August recess, I met with the Forest Service on the Ouachita National Forest in Arkansas. Sometimes our distinguished Senators from the West forget that there are national forests all across the South, and in the State of Arkansas, I say to my good friend, the Senator from Oregon, we have two large national forests, the Ouachita National Forest and the Ozark National Forest.

In a meeting with the National Forest Service on the Ouachita National Forest last month, I discovered, because of decreasing budgets in the timber sales account, they are doing only one-third of the vegetation management required by the forest plan. So forgive me if I find it ironic that this second-degree amendment, the substitute amendment, would shift \$10 million from the Timber Management Program to the surveys in the Northwest when, in the State of Arkansas, in our national forests, they are only doing one-third of the vegetation management required by the forest plan.

Because of the severe erosion of funding that the Senator from Idaho has alluded to, the forest is unable to achieve the desired future conditions required for a healthy and sustainable ecosystem. Extremists, litigation, appeals, or lack of public support did not bring about this crisis. It is the result of a misguided effort by the administration to reduce timber harvests without taking into consideration the real impacts on the conditions of the forests and the communities associated with these national forests.

The Timber Management Program is funded at a level equal to the fiscal year 1999 funding level. There was level funding before this amendment. Before these additional cuts, there was level funding, no increase, and yet the demands on the program have increased dramatically.

The program objective for the timber sales program is "a sustainable yield of forest products that contributes to meeting the Nation's demands and restoring, improving, or maintaining the forest ecosystem health." Yet the amendment before us reduces the funding level when more than 40 million acres of our national forests are at high risk of catastrophic fire due to an accumulation of dead and dying trees and an additional 26 million acres are at risk of insect and disease infestation.

We have a crisis now; we risk a catastrophe. We have level funding in the appropriations bill before us, and the amendment suggests we should cut even further in a program that has not the resources to do the job it has been charged with doing as it stands.

The addition of Senator WYDEN as a cosponsor of the amendment, the second-degree amendment, only exacerbates the problem that the underlying amendment creates in shifting an additional \$10 million out of timber management and moving it to the Northwest. This impacts every national forest, every timber management program in the Nation. It dilutes what can be done in those areas where they are already suffering, where they are already short to move additional resources because of the situation faced in the Northwest. I think that is wrong. It is not economically or environmentally advisable.

The debate today will speak about doing right by the environment. How can you justify reducing a level-funded program that is dealing with millions of acres of land that are too crowded for new and healthy trees to grow?

We will also hear talk today about how the Timber Management Program is antienvironmental or environmentally destructive. That is not what I have seen in the management that is being done in the Ouachita, the Ozark, St. Francis National Forests in Arkansas. Our national forests are adding 23 billion board feet each year. While 3 billion board feet are being harvested each year, 6 billion board feet die each year from insects, disease, fire, and other causes, and the amendment before us will only make that situation worse.

The majority of the timber sales in the program are done for other ecosystem objectives—improving habitat for wildlife, reducing fuels that may increase fire risk, especially in the urban interface areas, combating insect and disease infestations, and improving true growth for future timber.

We cannot ignore the contributions that the Timber Management Program makes each year, even if it might sound politically advantageous. The byproduct of a healthy, sustainable timber program is equally as important as healthy rural communities. The timber sales program generates regional income of \$2 billion—over \$2 billion; in fact, \$2.3 billion—in Federal income tax receipts. Seventy percent of

the timber from national forests is sold to small businesses that could be forced to close their doors if we support further reductions to the program.

A \$1 million reduction in the timber sales program on the Ouachita, Ozark, or St. Francis National Forests simply means 10,000 acres of forest designated for treatment by the forest plan will go untreated. That is what it will mean: a \$1 million reduction, 10,000 acres that will go unmanaged, untreated. Perhaps that is the goal. Perhaps that is the backdoor objective of such an amendment. The byproducts—round wood and saw logs—will be unavailable. Communities will lose 500 years of work and over \$15 million from the local economy.

By any reasonable standard, the U.S. forest practices are the best in the world, ensuring forests are regenerated and that water quality and wildlife habitat are protected or enhanced. Decreasing this program is wrongheaded. It will only set us back environmentally. It will surely negatively impact us economically.

I suggest we do the right thing and support no less than level funding for this important program and oppose the Bryan-Wyden amendment.

I thank the chairman. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I yield the chairman of the full Committee on Energy and Natural Resources, Senator MURKOWSKI, such time as he may consume.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

Madam President, let's start with some facts because what is appropriate is to recognize just what the current policy of the administration is towards the U.S. forests managed by the Forest Service.

Clearly, as we look at where we are today, as this chart shows in the dark purple, the U.S. Forest Service volume sold, vis-a-vis the annual mortality—the annual mortality are those trees that are dead or dying—that in the years 1990, 1992, 1994, 1995, 1996, 1997, 1998, the annual mortality, compared with the volume sold—and that is evident by the green spheres that come up through the chart—the mortality has exceeded the commercial volume sold.

The suggestion is, what has happened to forest health?

You have to manage for forest health based on professionals, professionals who are trained and have committed their lives to best forest management practices.

What we have in the debate that is occurring on this floor is a debate over emotions, the emotions over whether timber, trees, a renewable resource, should be harvested or not.

We have heard the Senator from Idaho expound a little bit on the attitude prevailing in the U.S. environmental groups, and particularly the Si-

erra Club, which, much to their credit, has come out wholeheartedly and said: We want to terminate harvesting in the national forests, all of the national forests.

They make no bones about it. That is just a fact.

The justification for Senator BRYAN's amendment, which would timber program in the committee bill by \$34 million, leads to the environmental agenda, the agenda of the Sierra Club that wants to terminate harvesting in national forests.

The amendment isn't what it appears to be. While I am sympathetic to my friend from Oregon and his efforts to redirect \$10 million to wildlife surveys in the Northwest, I again think we ought to go back and recognize where the objection is. The objection comes from national environmental groups who are opposed to logging in the national forests. The policies of the Clinton administration relative to logging in the national forests are evident, but the justification to support that is very lacking if we look at the facts.

The facts are that there is currently almost 250 billion cubic feet—more than 1 trillion board feet—of volume of standing timber in the national forests. That is a significant amount—250 billion cubic feet of volume. The annual growth—that is the growth that occurs every year—is about 23 billion board feet.

Do you know what we are cutting, Madam President? We are cutting somewhere between 2.5 and 3 billion board feet. What is the justification in the sense of forest management practices and the forest health when clearly the forests are not in danger of being overcut? The regrowth at 23 billion board feet each year, compared with the cut of 2.5 to 3 billion board feet, clearly shows we are growing timber faster, much faster than we are cutting it—in fact, about 7 to 8 times faster than we are cutting it. As evidenced by this chart, the mortality now is exceeding what we are cutting in commercial timber.

Good forest management practices would indicate something be done about the dead and dying trees that are infested with the spruce bark beetle and so forth, and that a program be initiated so healthy trees grow back in again. But, again, these decisions are not being made by those responsible for forest health, professional forest managers. They are being made by environmental groups, and they are being made on the basis of emotional arguments.

You should recognize the reality that timber is a renewable resource that can be properly managed, as evidenced by the existing volume that we have in this country, 250 billion cubic feet in the national forests—and I will repeat it again—with 23 billion board feet annual growth, and the realization we are only cutting 3 billion board feet a year.

We certainly need some changes. The changes need to move off the emo-

tional arguments and get into what is good for the forests, what is good for the health of the forests. You clear out the diseased trees. You encourage programs that eliminate fire hazards.

I have worked with Senator BRYAN and his colleague from Nevada on mining legislation which is important to his State and important to Western States, important to my State of Alaska. I am disappointed that he has seen fit to again take this issue on to reduce by \$34 million the Committee's recommended timber program. I recognize that is not a big issue in his State. But I think it basically addresses a policy within this administration that has prevailed for some time, and that is to oppose resource development on public lands, whether it be grazing, whether it be oil and gas leasing, whether it be mining, and certainly in the case of timber.

I would like to communicate a little experience that we had in Alaska relative to studies and the resource management associated with the wildlife of the forest and to suggest to the Senator from Oregon that these challenges on the adequacy of wildlife studies seem endless. You no sooner get a professional opinion on the adequacy or inadequacy of a certain species within the forest, and if it is unfavorable to those who want to terminate logging in the forest, they simply go to a judge, get an injunction, and suggest that the study was inadequate and lacked the thoroughness that it needed.

Let me tell you a little story about what happened in Alaska.

We had the U.S. Forest Service involved in what they called the TLMP, the Tongass Land Management Plan. They spent 10 years to develop a plan. They spent \$13 million. Previously, we had been cutting about 420 million board feet a year. The TLMP came down, after this 10-year study and \$13 million, and cut it, the allowable cut, to 267 million board feet.

What happened as a consequence of that? We lost our only two year-round manufacturing plants in our State. The Sitka and Ketchikan pulpmills, the combined workforce, plus those in the woods, amounted to some 3,400 jobs, most of which were lost.

What was the forest health issue regarding this reduction? All the timber in the Tongass, as most Members who have been up there know, is old growth timber. But what they do not realize is that 30 percent of that timber is dead or dying. It has no other use than wood fiber. So it is put in the pulp mills.

Without the pulp mills, we have no utilization of that timber. Much of those logs are now ground up in chips or exported to Japan or out to pulp mills in the Pacific Northwest.

Let me go back to the Tongass Land Management Plan where they cut the sales level from 420 million board feet to 267 million board feet. Within 9 months, the administration, after spending 10 years and \$13 million, decided that volume of 267 million board

feet was too high. So they cut it arbitrarily, without any public hearing, as a consequence of pressure from national environmental groups who used an emotional argument, and also the reality that maybe the easiest place to terminate harvesting in national forests is in Alaska. We have two Senators and one Congressman. Alaska is a long way away. Nobody can go up and look at it and recognize that we have cut less than one-tenth of 1 percent of the Tongass forest in Alaska over the last 40 years and that our regrowth is 10 times what we have cut. They want to terminate harvesting, and the Tongass national forest in Alaska is a good place to start. So they came back and cut the proposed allowable sales level from 267 to 178 million—no public hearings, no input, no further studies. They spent, again, 10 years and \$13 million for the first study, and they weren't satisfied with it.

So I say to my friend from Oregon, don't be misled by the question of the adequacy of wildlife studies in the Pacific Northwest. On the goshawk, we in Alaska are now under a challenge, on an issue we thought we had behind us because several years ago we had a challenge on a threatened and endangered species, the goshawk. The U.S. Fish and Wildlife Service spent several years working with the Forest Service to do an evaluation, and the U.S. Fish and Wildlife Service came to the conclusion that the goshawk was not threatened by the timber harvest program in the Tongass. We thought we had that issue behind us. We didn't.

Environmental groups—from the Southwest, I might add—petitioned the judge on the adequacy of the U.S. Fish and Wildlife Service evaluation of the goshawk study and the judge said, go back and do it again. If you can't depend on the best experts to come to a conclusion, then this is simply an open-ended effort by either bureaucrats, or environmental groups, or both to terminate harvesting in the national forests. That is what has happened as a consequence of the attitude of this administration towards timber harvesting.

Again, we have 250 billion cubic feet of volume standing in the national forests of the United States. The annual growth is 23 billion board feet. We are harvesting between 2.5 and 3 billion board feet. We are regrowing seven to eight times our annual harvest. Yet we have those who would say the forest program is being subsidized. There is no realization of what timber sales and related roads offer in providing access for timber, availability to the public, jobs, payrolls and communities. The proposal by Senator BRYAN would reduce the program about 13 percent below the current 1999 program level.

I am pleased the Society of American Foresters opposes the amendment. I believe that letter has been introduced in the RECORD. If not, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SOCIETY OF AMERICAN FORESTERS,
Bethesda, MD, July 26, 1999.

Hon. TED STEVENS,
Chairman, Committee on Appropriations,
Washington, DC.

DEAR MR. CHAIRMAN: It has come to our attention that Senator Bryan may offer an amendment or amendments to the Interior Appropriations bill designed to significantly reduce the amount of funding available for the Forest Service Timber Sale program or its Roads program. We believe this would be a mistake.

While we are sure that Senator Bryan is well intentioned in his efforts, he may not understand the significant contributions the timber sale program makes to improving our national forests. The Fiscal Year 1998 Report of the Forest Service states "today, national forest timber sales are designed to incorporate multiple objectives, including insect and disease prevention and control, wildlife habitat management, fuels treatment, and reconstruction or construction of roads needed for long-term access." Foresters in the private and public sector design timber sales for purposes in addition to producing timber.

There are many examples of timber harvests that benefit other resources. For example, the July 1999, edition of the *Journal of Forestry* has an article called "Designing Spotted Owl Habitat in a Managed Forest." The article describes how to harvest trees and manipulate the forest for the benefit of spotted owls. Natural resource management professionals can produce forest products and healthy forests; they just need tools like the Forest Service's Timber Sale program to accomplish their goals. We can harvest trees from the forest and still leave behind quality conditions for wildlife.

We are also very concerned about a possible reduction in funding for the Roads program. The Forest Service estimates that they have a \$10 billion backlog in road maintenance. Now is not the time to reduce funding for these important forest assets that can turn into environmental nightmares without proper design and maintenance.

Thank you for your consideration and your support of professional forestry.

Sincerely,

WILLIAM H. BANZHAF,
Executive Vice President.

Mr. MURKOWSKI. Madam President, I urge the Congress to support the significant contribution that the timber program, even though it is in decline, has been making to improve the national forests.

Again, recognize that the program is smaller than a few years ago. The BRYAN amendment would continue this harmful slide, because the ultimate objective is to terminate harvesting in the national forests. The redirecting of timber funds to wildlife activities in support of timber still has the same negative effect. That negative effect has been highlighted by my friend from Idaho, as he discussed the effects of a reduction in the timber program.

What we are talking about on this chart is that there is more timber dying than is being cut. That is the harsh reality of where we are. What kind of forest management practice is that? It is a preservationist practice.

What is the role of the Forest Service? Habitat management? Stewards of the forest? They are not aggressive in

thinning programs, which are needed for the growth of new trees. What the Forest Service has become is a custodial management agency. They don't know where they are going. They are torn between past leaders that used to make decisions on the basis of what is best for forest health, and the new generation that is directed to a large degree by national environmental groups that want to terminate harvesting in the national forests.

It is OK if you are from a State that has large private holdings. Washington State has a number of large private land companies. It is OK if you have large State-owned forests. But if you are in my State of Alaska, where the Federal Government, the U.S. Forest Service—the entire Tongass National Forest is owned and managed by the Federal Government—you have a different set of circumstances. Our communities are in the forest. Our State capital, Juneau, towns like Ketchikan, Wrangell, Petersburg, Haines, Skagway, Sitka, all are in the forest. People live in the forest. They were under the assumption they would be able to work with the Federal Government, when we became a State in 1959, to maintain, on a renewable basis, an industry base. They recognize that in our case our forest, as an old-growth forest, is in the process of dying. Thirty percent of that timber is dying.

I had an opportunity to fly over some of the Northeastern States over the recess, Maine and other areas. I noted that they have a healthy timber industry, managed, if you will, to a large degree through the private holdings of landowners and corporations and the State. They have jobs. They have pulp mills. They have a renewability. Yet we are strangled by policies that are dictated by environmental groups, that are dictated by Members from States who have no interest in the national forest from the standpoint of those of us who are dependent on it in the West and particularly in my State in Alaska.

Finally, I ask that my colleagues reflect that this amendment would really reduce the tools the Forest Service has available for stewardship activities, tools that improve forest health and improve wildlife habitat and improve other forest ecosystems as well. Don't be misled by the objective of those who have a different agenda with regard to the national forests. Let us recognize that forests live and die. With proper management, they can yield a bounty of prosperity, a bounty of renewability. But we have to have the recognition that those decisions with regard to the forest are not going to be made by the politicians in this body. They are going to be made by those professionals who are prepared to put their reputation behind their recommendations or, for that matter, the other way around, and do what is best for the forest. The Bryan amendment certainly does not do this, by cutting funding for timber sales and roads, and hence, decreasing the timber program.

I yield the floor.

Mr. BRYAN. Madam President, during the course of the debate, the Senator from Idaho propounded to the Senator from Nevada a query as to how I could be supportive of this amendment and then made reference to the fact of Lake Tahoe, with all the problems we have in Tahoe. My own previous statements on Tahoe indicated the extent of the devastation that has been caused with dying trees and timber.

To suggest that somehow increasing the commercial harvesting of timber would in any way ameliorate the problems we face at Tahoe would be a totally spurious argument. The problems at Tahoe are compounded because we had a 7-year drought, the most protracted in recorded memory, and as a result, the forest became very vulnerable to infestation from beetles that ultimately killed vast amounts of trees in the Tahoe Basin. So adding to the commercial harvest would in no way help.

Secondly, with respect to Tahoe, we are reaping a whirlwind of practices that involve the extensive cutting of road network to the Tahoe Basin. The clarity of the lake is declining rapidly. This is a lake that Mark Twain rhapsodized about. John C. Fremont, on Valentine's Day in 1844, was the first European to see Lake Tahoe, and perhaps that date has some significance because those of us who live in Nevada have had a love affair with Lake Tahoe ever since.

The problem in Tahoe is exacerbated because of this road network that was built throughout the basin during a period of intense harvesting in the last century. The timber at Tahoe was used for the great mining activities of Virginia City. But it is instructive and helpful because the primary contributing factor to the erosion that is causing the deterioration of waters and clarity is the runoff from these old roads, and road maintenance is what we need so desperately.

So I say that my friend from Idaho confuses the issue when he talks about the problems at Tahoe and the thrust of the Bryan-Wyden amendment, which is simply to take about \$32 million from the commercial timber operations and reprogram those into some accounts that include road maintenance and fish and wildlife management.

Let me make the point about road maintenance, if I may, again. The Bryan-Wyden amendment does not eliminate commercial timber sales in the national forests. My friend from Alaska referenced that we should allow professionals to make the determination as to how much harvesting should occur. That recommendation is included by the managers of the Forest Service, and they recommended a number of \$196 million. That was in the President's recommendation.

Now, what the appropriators did was, they stripped out \$34 million from road maintenance and fish and wildlife accounts and added that back into the

timber sales to bring that number up to about \$228 million. My friend from Arkansas was talking about the need for forest health and to do a lot of things. Those are totally different accounts. We are talking, on the one hand, of reducing to the level of the President's recommended appropriation the commercial timber sale account of \$196 million and to add \$32 million to that account. What the appropriators did was to reduce by \$11 million the road maintenance account.

It is the road maintenance account that helps to alleviate the erosion and the other adverse environmental consequences that attach to the neglect of that maintenance. The testimony is that the Forest Service would need \$431 million a year for road maintenance alone, that there is a total backlog of \$3.85 billion in road maintenance. By rejecting the Bryan-Wyden amendment, you make that backlog even longer because the appropriators have stripped \$11 million from that account.

Now, every mile of new construction adds to that backlog because under the law, once the harvesting operation has been completed, the timber harvester has no responsibility for the maintenance of that road. That, then, is left to the Forest Service and the American taxpayer. We already have 380,000 miles in the National forests. As I commented in my opening statement, that is more mileage than we have on the interstate system in America.

The things my friend from Idaho was talking about, in terms of fire burns and removing dead timber, have nothing to do—absolutely nothing—with the commercial timber sale account. Those activities are included in other accounts, such as the Wild Land Fire Management Act. So I think we have a confusion here as we debate these issues.

The Bryan-Wyden amendment would simply reduce to the level of the professional managers' recommendation in the Forest Service the commercial timber sale account of \$196 million and would restore, essentially, to the environmental accounts and road maintenance accounts much of that money that was taken out. That is where the management practices need to be addressed. That is the focus. That is where the environmental problems are—road maintenance and fish and wildlife habitat.

In effect, what the appropriators did is to strip those accounts and reduce them substantially to add to the timber sale account. There is no benefit to the environment at Lake Tahoe by increasing the commercial timber sale accounts. That simply does absolutely nothing for us at all. So I wanted to clarify the RECORD where my friend from Idaho has confused it. The Senator from Nevada is being absolutely consistent.

I might just say, in terms of the broad public policy, the General Accounting Office concluded that, from 1992 to 1997, the commercial sales in

the national forests have cost the American taxpayer \$1.5 billion. So there is another issue out here to be debated in terms of the public policy. The Bryan-Wyden amendment does not eliminate but simply reduces to the level of the Presidential recommendation in terms of the appropriation.

If the Senator from Idaho were interested in seeing the problems more adequately addressed, he would favor reducing the amount of the commercial sales and restoring the \$11 million that was stripped from that account. We need far more dollars in the road maintenance account, in which the backlog is over \$3 billion.

So every attempt to reduce the amount of the road maintenance account and add money to the new construction account makes the situation much worse. I argue that the more prudent and rational public policy is to deal with neglected road maintenance and provide additional money in that account rather than to add to the commercial sale account. I wanted to make that point for the record.

I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, this has been an important debate—important for the Northwest and important as it relates to the direction of the Forest Service.

I think my colleagues on the other side of the aisle would be surprised to know that I agree with a number of the things they have said about the Forest Service not knowing where they are headed. Frankly, I have made much stronger statements than that in the last few days. It is very clear in the Pacific Northwest that the Forest Service is just flailing around.

The chairman of our subcommittee and I both read these Oregonian editorials talking about blame with respect to gridlock in the forests. In the Northwest, the Oregonian, our newspaper, editorialized that:

Forest biologists searching for signs of the rare mosses listed above ought to look under the backsides of the federal officials managing the forest plan. That seems a relatively undisturbed habitat.

I think it is fair to say that those Forest Service officials knew for years they had to go forward with survey and management in a responsible fashion and haven't done so. So I think the comments that have been made by the chairman of the Forestry Subcommittee, Senator CRAIG, and the chairman of the full committee, with respect to the Forest Service not knowing where it is going, are ones that I largely share.

But where we have a difference of opinion and where I think the Bryan-Fitzgerald-Wyden and the substitute help to bring together colleagues on both sides of the aisle is that the history of the last few years demonstrates very clearly that just spending more money on the timber sale program

doesn't help these rural communities either from an economic standpoint or from an environmental standpoint.

The fact of the matter is, Madam President and colleagues, for the last several years this Congress has authorized a greater expenditure for the timber sale program than the President of the United States has called for.

This Congress has appropriated more funds for the timber sale program, and the fact is the problems in many of these rural communities in the West, from an economic and environmental standpoint, are getting worse.

So I think the notion that throwing more money at the timber sales program is going to address the needs of these rural communities is not borne out by the events of the last few years.

What needs to be done—and what Senator BRYAN and Senator FITZGERALD and I are trying to do—is to put in place a program with real accountability.

My colleague from Idaho talked about the need for accountability of the Forest Service. The chairman of the full Senate Energy Committee has correctly said more emphasis needs to be placed on oversight. The fact of the matter is that under the Bryan-Fitzgerald-Wyden amendment, for the first time the Congress will put in place a program in the survey and management area which has essentially shut down the forests and that will have real accountability. Under our amendment, the survey and management draft environmental impact statement will have to be completed by November 15 of this year, and the final version of that impact statement would have to be published by February 14 of 2000.

That is allowing for public comment. That is accountability. That is giving some direction to the Forest Service on the key issue that has in effect shut down the forests in our part of the country.

So the choice is, do we do business as we have done in the past, which is to throw money, for example, at a particular program, the timber sale program, or do we try, as the Bryan-Fitzgerald-Wyden amendment does, to tie that amendment to dealing with the key concerns that have shut down our forests and put in place real accountability in the process?

Beyond that, I think the only other major difference I have, as some of our colleagues on the other side of the aisle, is that they have correctly said they don't want the courts to make forest policy. Section 329, as it stands in this bill, is a lawyer employment program. This is going to be a huge bonanza for lawyers as it stands in its present form.

That is why I am hopeful that colleagues, regardless of how they feel about section 329 in its original form, regardless of how they voted on the Robb legislation earlier, will see that the approach that Senator BRYAN and Senator FITZGERALD and I are talking about tries to borrow from the philos-

ophy of both of the approaches that have been debated on the floor of the U.S. Senate. I happen to agree with Senator GORTON and Senator CRAIG that the survey and management program has not worked. The Forest Service has dawdled. They have known what they were supposed to do for some time.

We can read editorials to each other for many hours to compete for who is the toughest on the Forest Service. But the fact is they haven't known where they are going, and we are going to try to get them on track. But this amendment is the very first effort in the Senate to put them on track in a way that locks in the additional money they need with a specific timetable and a blueprint for ensuring accountability.

I think for that reason it is absolutely essential that we pass it. I think it will give us an opportunity to go forward in the days ahead, which is what we are going to try to do in the oversight hearing that Chairman CRAIG is holding on Thursday.

I am very hopeful that those Members of this body who understand how wrong it is for the courts to make forestry policy and how important it is to have a balanced approach that will tie additional funding with accountability—and a recognition that there is more to this than appropriating additional funds for the timber sale program—will support our bipartisan amendment.

I gather we will not have a final vote on this amendment until tomorrow, and perhaps we will hear from some additional colleagues. But I am very hopeful, regardless of how a Member of this body voted on those Robb amendments or felt about the original section 329, the Gorton language, that they will see what Senator BRYAN and Senator FITZGERALD and I are trying to do, which is pull together an approach that will give the Forest Service some direction, give them some accountability, and do it in a responsible fashion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I thank my colleague from Oregon. We have worked closely together for the last number of months to try to resolve a variety of timber issues and conflicts that have brought some of our rural communities to their knees.

Those are communities that not only in many instances have lost jobs in the sawmills that I have talked about in my opening comments, but these are communities that also lost their monies to run their schools.

My colleague from Oregon has communities that only go to school 4 days out of 5 days of a week because they have no more money to run their buses and to keep their schools open. I have communities in my State that are now debating over whether to put their money in the hot lunch program or

athletics and ask all of their high school and grade school students to brown bag all the time.

You say: What does this have to do with this debate? What does this have to do with cutting trees in the national forests? It has a great deal to do with these communities that are timber dependent because 25 percent of the stumpage fee that comes from a Federal timber sale goes to the local communities for their schools, their county roads, and their bridges.

That is historically what we believe is a fair treatment of those communities that oftentimes house the loggers and the mill employees and the executives of the timber companies and the Forest Service but have no private land base because all of the land around them is public land, and they should share in the revenue flowing from that public land. Those are what we call timber-dependent communities.

The Senator and I worked to try to resolve that issue. We are very close to what I think is some tremendously positive and creative thinking that results from, hopefully, minds coming together out of conflict to bring resolution. I am fearful this amendment does not do that. I say that because while the Senator suggests that he prescribes deadlines by which EISs ought to be done, this administration and this Forest Service isn't talking anywhere near that. They are suggesting the deadline for a draft EIS ought to be in February and that the final ought to be in June for the EISs we are talking about for these sales. Whether you could expedite that, I am not sure.

The one thing we want to be very careful about in light of the environment in which we are doing these kinds of EIS's and studies is that the work be done right. As the Senator from Oregon and I know, the judges and the environmental communities will be like vultures hovering over each one of those efforts to fine pick every bone to make sure the work is done well.

Accelerating some of those studies could put at risk—I am not saying "will," but I think we need to be very cautious at this moment as we try to wrestle through this very difficult policy issue between whether the Eleventh Circuit is right or whether this Congress will finally get aggressive enough to lead in changing the law in a way that we will not have our judges administering forest policy through their own whim, be it law, or, in many instances, be it their politics as applied to the law that causes Eleventh Circuit or Ninth Circuit judges to do what they have done recently that the Senator from Oregon is so worried about, and that I, not only as the Senator from Idaho but as chairman of the Subcommittee on Forests and Public Land Management, literally go into the tank because the Congress of the United States has been unwilling to lead in this area and establish well-based policy that we can effectively defend and are willing to defend. That is part of

the problem we are dealing with, and I hope the work of the Senator from Oregon and me results in that.

Let me make a final comment to the Senator from Nevada. It was not my intent to make an inaccurate statement. As chairman of the Forests and Public Land Management Subcommittee, I have spent the last several years and 45 hearings looking at every aspect of the forest management of our country to try to understand it. I have examined, not in person and not on the ground, but all the studies of the Tahoe Basin problem. I recognize the basin problem is a combination of things, particular to forest density, that has resulted in dead and dying timber and drought environments of the kind discussed. This has created the negative habitat today that changes the character of the lake's water quality because of the runoff. I also understand that this creates phenomenal bug problems with dead and dying trees because the ground cannot support the base.

As the Senator from Nevada and I know in looking at computer models, before European man came to this continent, many of the acreages we are talking about were sparsely timbered and were much more pastoral. That was partly because of fire moving through the habitat, creating a mosaic of young and old alike. The Tahoe Basin changed when we became the stewards of the land and put out the fires.

The Senator from Nevada and I both agree on the condition of the Tahoe Basin. The point I am trying to make: What the Senator is doing is, in fact, taking money away from the ability of the Tahoe Basin to manage itself because the Tahoe Basin money is not a single-line item issue.

Let me explain. The Senator is amending an account that is divided into three categories. I am looking now at Forest Service management program reports. In the timber revenues and expenses, there are three categories. There is the timber commodity program component, there is the forest stewardship program component, and the personal-use program component. Those are the three that make up the account the Senator has amended.

The last report we have is 1997. In that year, in the first account, the timber commodity program account, the Senator is absolutely right, the Tahoe Basin had not one dollar of revenue or expenses because it is not a timber-producing area. In the stewardship area in revenues produced by actions, about \$377,000 and \$1,383,000 spent on stewardship programs—the very kind the Senator wants to see that begins to change the culture, the environment, of the basin area. There was approximately \$39 million in revenues from the personal-use program and about \$181 million in expenses.

I believe I am right. It was not my intent to mislead or to distort the

Record. The Senator and I should clarify this. This is the document from the Forest Service. The account the Senator amends and takes \$34 million from is the account from which the stewardship programs from the Tahoe Basin are funded. There is not a line item specific to the Tahoe Basin that I know or that we can find in any research. If the Senator would clarify that—I think by accident he may well be cutting out the very moneys he has fought so hard to get to begin to ensure the forest health or the improved health of that basin area.

In our stewardship analysis of the basins that are in trouble around the Intermountain West, and primarily the Great Basin environment of the West—because that is where fire is a critical tool—let me read again from the article “One spark from a disaster.”

On adjacent lands just above the national forests the trees remain vigorous and healthy with a similar history of early forest clearing followed by fire suppression. These stands have escaped the bug infestation and the high mortality of the lower basin area [which is Federal land]. These privately owned timber lands were intensively managed to ensure vigor and high productivity. Unlike the Federal forest lands, private timberland managers responded to the bottom line and protected their forest assets over time.

My point is, what the Senator has appropriately advocated in getting into the basin, to change the way it is managed, to bring stewardship programs to do the thinning and to do the selective burn, absolutely has to be done to restore the vigor, to create an ecosystem that is less dependent on moisture, so it can handle itself through the kinds of droughts that we in the West experience—especially those in Great Basin States.

If the Senator could clarify that for me, I would appreciate that. It is my knowledge at this moment that the account his amendment pulls money from is the very account from which the stewardship program for the Tahoe Basin finds its funding.

I yield the floor.

Mr. BRYAN. Madam President, I thank the floor manager for an opportunity to respond.

When one looks at the totality of problems, they are tall: Runoff, the erosion control, and the declining clarity. These are the primary, but not the exclusive, problems in the basin.

The roads that were cut through many decades ago are in the road maintenance account. As the Senator understands, there is a new construction account; there is a road maintenance account. The appropriators removed \$11.3 million from the road maintenance account. From our perspective, that is the most serious account reduction that would impact what we are talking about. The road maintenance money account has a backlog: \$3.85 billion has been discussed by the Forest Service, or \$431 million. I think it is a matter of priorities. Our priority is to get back the road maintenance account money.

Indeed, with respect to some of the prescribed burn and other forest practices the Senator talks about, I think we are in agreement that clearly there are things that need to be done to thin out some of the underbrush. Those are taken care of in other accounts such as wildlife fire management and a forest land vegetation program.

There are a host of programs that are line item. The two I just mentioned, the wildlife fire management account and the forest land vegetation management program, are where some of the controlled burns and thinning occur. Those are the programs, from our point of view, that have a priority over the Senator's priority which would lead to an increased commercial operation.

That is where the Senator from Nevada comes from.

Mr. CRAIG. I thank the Senator for responding.

It is important to understand that one third of that fund still goes to stewardship. That is not just commercial activity. That is thinning and cleaning.

Also, it is important for the Senate and the Record to show we increase road maintenance by \$10 million this year over last year. There was a recommendation of \$20 million; we increased it by \$10 million. There has been an actual net increase of \$11 million, and a fair amount goes to the Tahoe Basin.

So the Forest Service is responding. We believe the committee and the appropriators were responsible, going in the right direction. What I think is important to say is that there were no cuts. We did not cut the program. We raised the program by \$10 million. While some suggested it ought to go \$20 million, it is a net increase over last year's funding level of \$10 million.

Mr. BRYAN. If I can respond briefly—I don't want to get into a semantic game—it is a reduction over what the President recommended, I think the Senator will agree. It is a reduction of \$11.3 million over what the President proposed. It may very well be, as the Senator indicates, an increase over what was approved for the last program.

Mr. CRAIG. The Senator knows recommendations are recommendations. I believe his first words were the program has been cut. The program has been increased by \$10 million over last year while some, including the President, suggested it ought to be increased by more.

Mr. BRYAN. I think I did use the term “cut.” What I meant to say, and what I stand by, is the appropriators, in effect, cut this money from the original appropriation of the President. That represents a difference in priorities, the \$431 million annual backlog, with a total backlog of \$3.85 billion. It would be the priority of the Senator from Nevada that the President's recommendation not be reduced as the appropriators did, and I appreciate the chance to clarify that point.

Mr. CRAIG. I thank the Senator from Nevada. I believe, if I understand Forest Service accounts accurately, the likelihood of increased stewardship activities in the Tahoe Basin by this amendment could be reduced because of the very character of spreading the money, as I think the Senator from Arkansas so clearly spoke to.

Let me yield such time to the Senator from Montana as he should consume.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Madam President, this morning as I returned from Montana and I was listening to the local news, I heard a 30-second spot advising folks to call the White House to stand up, to stop this disappearance of the national forest lands. It was paid for by the Heritage Forest—some group. We have not been able to run it down yet. The message went on to say we have to stop this because our forests will be gone forever.

We can talk about semantics. We can talk about budgets. We can talk about where we apply the money. Let's face it; the \$11 million for road maintenance that we increased is mostly being used for road obliteration.

It seems we fight these little fights every year because there are those who completely do not, and I say this in all disrespect, know one whit about what is a renewable resource and how we are to manage it. It seems to me this is the reason a person on his ranch or farm does not run that ranch or farm by a committee. If we did, we would not get a crop in; we would not grow anything, and we sure would not get a crop harvested. I would say the good Lord above does have a sense of humor. If you want to look at what a committee does, I always thought a horse was a camel put together by a committee. Everything is an afterthought.

Let's dispel some of this myth that seems to be going across our land. In the Flathead National Forest alone, we are growing 120 million board feet of lumber a year. The Forest Service, in their plans, only planned to harvest 19 million. Let me tell you, due to laws and roadblocks and lawsuits, we will be lucky to cut 6 million board feet. This does not include our wilderness areas or recreational areas. These are in managed forest areas. This is about a third of what historically has been responsibly forested and harvested. However, due to litigation and other roadblocks, only 6 million will be harvested.

We cannot survive with that scenario and neither can the forest. Understand that. Neither can the forest. It will burn. Trees are similar to any other renewable crop: they sprout, they grow, they get old, and like every one of us in this building, they will die. What happens to them? They hit the forest floor, there is a fuel buildup, there is infestation by the pine beetle, there is dry weather, there is lightning, and there is fire. I realize that doesn't mean

much to those of us who sit in this 17-square miles of logic-free environment because we get our paycheck every 2 weeks. We are very comfortable. But out there, their paychecks stop right then. Their equipment is burned up. The cycle starts all over again. Is that an environmental benefit to this country? I don't think so.

We have seen what happened in 1988 in Yellowstone National Park, the crown jewel of all parks, we are told. Fire swept across that park; and you should have seen the water that ran from that park for the next 3 years because there was nothing to hold the soil that had been turned sterile by the heat of the fires.

So according to the misinformation thrown around by the self-proclaimed environmentalists, leaving the land to rot, they believe, is best for the environment; the forests are gone forever whenever they are harvested. I wonder if they think it was all a barren land up here until one Friday we got up and, lo and behold, there was a forest. Just like a bolt of lightning, it was there. When you get a haircut, is that head of hair gone forever? To some it might be. Who knows. But I don't think so. Currently, most of our national forests in Montana, and throughout the West, we face a 25-percent tree mortality in the next 15 years. We will lose 25 percent of our forests just to mortality, getting old and dying.

So I am saying land management, proper land management saves our forests. I can take you to one of the worst areas there is in the Forest Service—it happens to be up in northwest Montana—and even the foresters themselves will tell you that we are ashamed of the condition of this forest. But because of litigation, they are powerless to do anything about it. Fuel loads, beetle infestations, it is not a pretty sight.

It is not a pretty sight.

Healthy forests are usually the benefit of good management. Harvesting of timber is healthy, and it is all part of management. That is aside from the faces of the people who live in these forest communities. Two weeks ago, we shut down a mill in Darby, MT. We sold it at auction. Jobs are gone. A tax base is gone. The ability to build roads on private lands, to maintain services, and to build schools—all that revenue is gone.

The opponents of timber production would have you believe we still clearcut entire forests when we do not do that anymore. They would have you believe we have industrial lawn mowers big enough to mow down the great redwoods as we clear swaths from seed to seed, and we do not do that anymore. In fact, there are more trees in this country than during the time of Lewis and Clark. It is hard to believe, isn't it? But it is true.

When we put together this appropriation and this budget, there was balance. It brought balance of wildlife, balance of timber and new timber

growth, balance of timber that we could harvest for the benefit of Americans, for those folks who build homes, and for those folks who work with timber.

If one looks across the Nation right now, not many commodities are making money—gas, oil, no farm commodities. If you look at all the litigation, timber is not making any money either. Anything that comes from mining is not making any money. Why should we do it? Where would those industries move? What other land on this globe will be devastated because we are not allowed to manage our renewable resources?

I can remember dirt under the fingernails and the ability to produce a crop every year was pretty honorable. Madam President, 1.5 million Americans provide all the food and fiber for the other 260 million. That is not bad. We do a pretty good job, and we do it under conditions that are getting more and more difficult all the time.

Modern forestry, of course, with some rules and regulations passed by Congress, is being regulated more and more every day. Environmental laws require foresters to take a look at the impact of what they are doing. It employs independent timber firms that know the land. They are harvesting. All of this costs money, and yet they will say below-cost-timber sales. If we lump all the rules and regulations, all the hoops we have to jump through for one timber sale on a forest, it probably could be called a below-cost-timber sale. Those are hoops we have to jump through. So we increased the budget. It costs more money to complete a timber sale.

We do not clearcut areas with disregard. We spend more time making sure everything we do is done in a responsible manner. Dispel the misinformation, get away from the inflammatory words of growing a commodity and harvesting a commodity. In Montana, the people who harvest timber are the same ones who come back to hunt and fish. They do it every weekend. They recreate all that same forest.

Contrary to the doomsayers, we want our land to be usable. We want healthy wildlife populations, we want clean water, and we want to make sure our native fish are healthy.

Let's talk about this wildlife habitat. Most of the wildlife habitat is found on public land in the summertime. When they have to make it through the winter, do you know where the deer, the elk, the moose winter? On private lands, in my neighbor's hay meadow. Did you know we have to board up our haystacks in the West or the elk and the deer will eat all the hay and leave us none for our own livestock? They do not winter on public lands because there is no water and there is no feed. It is covered up. They have to winter on private lands. So are we so bad? I do not think so. We would not have it any other way because we are all hunters and fishermen and we enjoy the sights

of big game. We want to maintain the habitat. We enjoy seeing those elk. We enjoy this season of the year when they start bugling. Go out and listen. That is what makes my State worth living in.

It costs more money and the timber sale budget offers us an opportunity to feed our Nation's need for raw materials while employing Montanans and making and protecting habitat. We are talking about balance. Someone is buying that lumber or we would not have the demand to harvest it.

Harvesting a crop is not a sin. To the contrary, it keeps this country moving forward. It provides the timber to build our homes, and it provides the paper that often gets shuffled back and forth in this town. Quite simply, a timber sale budget is essential to America for food and fiber by proud producers. That is what it is all about. They do not like to be lied to. They do not even require much support. They ask very little. They ask to grow, to plant, nurture, and harvest. That is what it is all about.

How did those people who work in natural resources and agriculture—and this is agriculture in its highest form—who are responsible for 22 or 23 percent of the Nation's GDP become bad folks? How did we get that way? Because we used the resources around us, and our definition of conservation is the wise use of a natural renewable resource. Think about that. Twenty-three percent of the GDP in this Nation is in the production and the feeding of this country. It is unbelievable how that can be overlooked.

I ask my colleagues to contemplate the alternative. Let's say we quit harvesting trees in America, and that is what some extremist groups want us to do, or they want to make it so expensive we cannot compete on the open market. Do you realize that I have mills in Montana that are hauling logs 500 miles, out of where? Canada. So is your demand for lumber so high that you want to so-called devastate the Canadian land? I do not think so.

Why do people like to visit States such as Montana? No. 1, we are kind of authentic. Because we have done a pretty good job of taking care of it. And it is true of our good neighbors to the west in Idaho. It makes us the friendliest and the nicest people you will ever meet. But our people are starting to get cranky because their livelihood is being taken away from them, their ability to take care of themselves, by the rest of the country in its desire for the food and fiber that it takes for us to subsist.

So if you want to see our forests die in front of us, if you want to see our wildlife choked out of its habitat, and if you want to see our rural communities die, and to see foreign corporate timber production unfettered, fueled by our need for fiber, then vote for the Bryan amendment. That is what it is all about.

But there is balance here. I urge my colleagues to vote to maintain that

balance. We believe in the balance of our forest lands and good stewardship.

If you want to talk about stewardship, we have a stewardship plan that is getting started on a trial basis in Montana that is being participated in by a lot of people, including very small harvesters. So if you say you want a stewardship program, you have one. It is a good one. It is a dandy. It will work. But we cannot make it work unless we have funds to balance the needs of our forests.

I thank the Chair and my chairman and yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I ask unanimous consent that a vote occur on or in relation to the pending amendment No. 1623 at 10 a.m., and the time between 9:30 and 10 a.m. on Tuesday be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG. I thank the Chair.

I am happy to yield to the Senator from Wyoming.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. I will take a very short while.

I think the details, the information of this issue have been well discussed. But I rise in strong opposition to what is being proposed based simply on the health of forests.

In Wyoming, of course, we have national forests, as they do in Pennsylvania and other places. These forests need to be managed. I just spent several days in August in Yellowstone National Park. We road for 2 days, and all of it was in burnt forests. I have to tell you, that burn was not even effective because the ground fuel is still there. The trees are dead, but the ground fuel is there.

So all I am saying is, you have to manage this resource. Something will happen to the trees. They will either die or they will be harvested or they will be diseased. So if we are to have healthy forests, certainly they need to be managed.

The proponents of the amendment have said the timber program is wasteful. It was never intended to operate as a commercial tree farm. We have some numbers as to the resources that are provided for communities and the Federal Government. They are substantial.

I am not inclined to take a great deal of time. The chief of the Forest Service has stated there are 40 million acres of national forests which are at risk, either through fire or infestation. This amendment would cripple the Forest Service's ability to use the timber harvest to promote health. The amendment will crush a program that provides significant economic contributions to both the Federal Government and the communities. This amendment is wrong. It is shortsighted. I question

why the Congress would continue to ask the agency to manage this land and then take away their ability to do that.

So I will end by urging Members not to vote for this amendment.

I yield back the time.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. If there is no objection, I would like to amend my immediate past unanimous consent request. It was from 9:30 to 10 a.m. tomorrow morning equally divided. I ask unanimous consent to amend that to be from 9:30 until 10:30 a.m. on Tuesday, equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG. I am happy to yield to the Senator from Pennsylvania on this most important amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Madam President, it isn't often I rise to talk about these kinds of issues because, by and large, these issues generally affect the West, and we in Pennsylvania do not have much direct involvement. But in this case we are directly affected in Pennsylvania.

We have a national forest in Pennsylvania, the Allegheny National Forest. What has been going on in the Allegheny National Forest over the past several years has been a very troubling thing to thousands of residents in my State; it has had a dramatic negative impact on the quality of life for the residents in northwestern and north central Pennsylvania, as the amount of timber harvests have continued to decline.

What we have seen, as a result of that, is a real damaging of the economy. It is a very rural area. Most people think of Pennsylvania and think of big cities and factories, Philadelphia and Pittsburgh. But Pennsylvania has the largest rural population of any State in the country. I repeat that. Pennsylvania has the largest rural population of any State in the country.

That rural population, by and large, survives on agriculture and off the natural resources, whether it is coal mining or whether it is quarrying or whether it is timber or whether it is what we consider traditional agriculture.

The Allegheny National Forest is vitally important for several of our smallest counties. We have 67 counties in Pennsylvania. Our smallest county in population, oddly enough, is called Forest County. Forest County has about 4,000 or 5,000 people who live there. The biggest part of it is the national forest, the Allegheny National Forest. But there are other counties surrounding it that have bits and pieces of the national forest in their county: Warren County, McKean County, and Elk County.

In Elk County, PA—aptly named—we have about 600 elk, big ones, that have

come back over the past years and are thriving in our forests, almost to the point of being domesticated in some respects and causing problems. But that is another issue for another day.

But those four counties get a lot of revenue because big chunks of them are national forest areas. They get a lot of revenues from the timber sales that principally support their school districts.

I spoke to students at the Forest County schools a couple of weeks ago. The No. 1 issue that the kids asked me about was, what are we going to do about timber sales? Because they potentially will have to close down one of their schools because of cuts in the Forest Service budget, as well as lawsuits because of the Indiana bat, which, I guess, stays up in the Allegheny National Forest for a couple days a year, so there are all sorts of lawsuits tying up the Allegheny National Forest in harvesting.

The Allegheny National Forest is the single largest area for the harvesting of black cherry timber. You look at your black cherry veneer and you will see a lot of it comes from the largest black cherry stand in the country, which is the Allegheny National Forest.

The Allegheny National Forest, by the way, is a profitable forest. They make a lot of money in their timber sales because of high value trades. So they are not losing any money to anybody. They are making a lot of money. In fact, the less we harvest, the worse off we are financially.

It has been very deleterious to those counties. I will look at the timber receipts for the past several years. Even last year, which was not particularly a great year, we had \$1.6 million for Warren County; \$1.5 million for McKean County; \$1.3 million—\$1.3 million for a county of 4,000 people is a lot of money.

All these other counties range in the area of 20-, 30,000 people; Elk County, 1,26. All of them, every one of those counties, will have their revenues cut by more than half this year, by more than half because of legal roadblocks and cutbacks in the amount of timber sales as a result of Federal legislation.

The problems we confront are not just financial in terms of tax revenue. They are financial, but they are also financial with respect to our economy. Logging is a very important aspect of the way of life. Wood products: Because of our high-value black cherry and other species, we have a lot of high-value processing of that wood, which is resulting in very high unemployment. Many of these areas, in this very strong economy, are experiencing double-digit unemployment, and have consistently for the past couple of years.

We also have another concern which, again, when you go up and talk to the folks who live around the forests, is almost frightening, the kind of misinformation that is out there about our forests and the management of the forests.

I remember going to Gray Towers, which is outside of Milford, PA. Gray

Towers was the home of Gifford Pinchot, who was the Governor of Pennsylvania and was a conservationist. Gifford Pinchot went on to be the first head of the U.S. Forest Service around the turn of the century. The Yale School of Forestry was actually collocated in Milford, PA, at Gray Towers, which was the mansion the Pinchot family lived in. Now it is a museum dedicated to forestry. I was up there looking at old pictures of Pennsylvania. It is remarkable. In picture after picture after picture, Pennsylvania was completely clearcut—clearcut.

I stood on the front porch of Gray Towers and looked out and saw the expanse. You can see literally for miles. I looked at the picture on the portico of roughly 100 years ago. It literally was stumps of trees for as far as the eye could see. Of course, now it is green as far as the eye can see, full of trees.

Pennsylvania is just remarkable. I fly over it all the time in small planes. It is just literally covered with trees, almost all of which, if not all of which—because I have been told it was completely clearcut—were not there 100 years ago. So the regeneration happens. In fact, the Allegheny National Forest is a valuable forest today because it was clearcut and because a shade-resistant strain of black cherry couldn't grow in those old forests. In fact, there are areas that are now dedicated to old growth in the Allegheny National Forest that have a lot less diversity.

People are worried about the health of the forest, environmental diversity. You get to some of these old-growth forests. You take the combination of the old growth and the fact that you have less vegetation, which puts pressure on your deer and everything else—we have a lot of deer. They completely decimate old-growth forests, where it is a desert there because of these high trees. You don't have a lot of younger growth. Whatever does crop up, because there isn't much else around, the deer take it right out.

So we went, in this area called the heart of the forest, when they dedicated it to old growth, from 37 varieties of plants down to 4. I don't know about you, but I am not too sure that is protecting the environment or the health of the environment.

I am an easterner. I am not one of these guys who understands public lands and forests and all that stuff. I grew up around the city of Pittsburgh and didn't know too much about forests. But I remember hearing people say: We have to manage the forest. You say: Forests manage themselves pretty well. What do you mean? Well, yes, forests manage themselves pretty well, but they manage themselves not in a way that you and I would consider them. They manage it through, in a sense, a boom-and-bust cycle, growth and then destruction and then growth and then destruction. That is pretty much how forests grow if you leave them alone. That is OK, I guess. But it

doesn't provide what is, I think, in the best interest of the animal life and the plant life and certainly the community for recreation. The economic resources that are derived from the forest are not maximized when you allow this kind of wild and unmanaged forest generation and regeneration to occur.

I trust the Forest Service. I don't always agree with them, but I trust the Forest Service will work to maintain forests and wisely manage them, using sound science to provide the best environment for stable growth of the forest as well as for the indigenous animal species that are there to feed. It is very serious—it is the No. 1 issue in about 5 or 6 counties in my State—that we allow the timber harvesting program to continue. It is the economic lifeblood of those counties.

I felt compelled to give a little different perspective, as someone who doesn't talk to these issues very much—and maybe it is best I don't—but who has a real sensitivity as to what sounds good. As I have told people about what sounds good in suburban Philadelphia, saying leave these trees alone, we love the trees, don't hurt the trees, a little knowledge is dangerous sometimes and no knowledge is downright lethal. And in the case of dealing with forest management, a lot of folks don't have a darn bit of knowledge. And it is killing people. It is killing their economy. It is killing their school districts. It is killing the forests.

That is not something we should allow to go unchallenged in Congress. Just because it makes a good TV commercial, just because it sounds as if you care more, you don't care more if you understand the facts involved in forest management.

I am an enthusiastic opponent of this amendment. I must tell you, when I first got to Congress, I was not. But the more I have learned about forest management and the impact of timber sales on not only the health of the forest but the health of the economy related to the forest, it is an absolute must for me to stand here and oppose this amendment. I urge my colleagues to do likewise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Madam President, in the few minutes remaining, I wish to add my voice to those in opposition to this amendment. We thank the Senator from Pennsylvania for his sensitivity to these issues.

As he correctly said, this amendment could be devastating to the people and to the families who depend on their jobs in many counties across America. I think it is important that we understand this amendment in the context in which it is being proposed. Federal timber sales are in a steep and devastating decline. Since the early 1990s, the timber program has been reduced in America by over 70 percent. Already, more than 75 percent of the National

Forest System is off limits to timber harvests. The Federal timber supply has dropped from 12 billion board feet to the 3 billion board feet being harvested today.

Both the economic and the ecological context created by this reduction are not desirable. More than 80,000 jobs have been lost already, and of the 55,000 jobs that remain, they will be jeopardized by this amendment. That represents over \$2 billion in employment income, mostly in rural parts of America. The families who depend on those jobs are counting on us to understand this issue and to vote correctly.

It is confounding also that these additional cuts are being considered at a time when the industry and those working men and women who depend on it have already been deeply hurt by the critical cuts in the timber program.

In my home State of Idaho, our rural communities continue to suffer devastating reductions in the 25 percent funds from timber sales. Schools are going without needed renovation, and county governments are going without needed support and jeopardizing their basic services because of these steep reductions.

This amendment is also counterintuitive from an environmental perspective. Active forest management, including thinning and other timber harvest, has widely acknowledged benefits. In fact, most timber sales are currently designed to attain other stewardship objectives, in addition to the sales themselves. Timber sales are the most economic and efficient and effective methods available for our managers to treat and control many insect epidemics.

Madam President, each year the National Forest System grows by 23 billion board feet; 6 billion board feet die naturally. Only 3 billion board feet are being harvested. Tree growth in our National Forest System exceeds harvest by 600 percent.

I stand firmly with those who have cast their opposition today against this amendment and encourage my colleagues to reject it.

DEPLORING THE GRANTING OF CLEMENCY—MOTION TO PROCEED—RESUMED

Mr. THURMOND. Madam President, I rise to express my strong opposition to the President's decision to commute the prison terms of 16 members of the FALN, a Puerto Rican terrorist group. I also strongly support S.J. Res. 33, which expresses the Senate's opposition to this misguided decision.

There is no question that the President has the Constitutional power to do what he did. The President receives thousands of requests per year for a pardon or clemency, and the Department of Justice has a standard procedure under which the Pardon Attorney reviews these requests each year. However, all indications are that the proce-

dures were not followed in these cases, and that these cases were anything but routine.

News reports indicate that the Justice Department did not make a recommendation for or against clemency in these cases like it normally does. There is no excuse for the Department to stand neutral on very significant requests such as these. Also, the terrorists apparently did not personally take the proper steps to seek the relief, given that one of the conditions for clemency was that the prisoners had to sign statements requesting it.

Although the White House says the members were not convicted of committing murder or physical injury, it is clear that these criminals were actively involved in the militant group. Making bombs and transporting firearms designed to carry out the reign of terror, or committing armed robbery to finance the deeds, is not fundamentally different from personally harming innocent victims. They were conspirators in the FALN, a terrorist group, and they received stiff prison terms for good reasons.

News reports indicate that the law enforcement organizations that reviewed the issue, including the FBI and Federal Bureau of Prisons, recommended against it. Also, law enforcement organizations have expressed strong opposition.

The opposition is based on good reasons. America has long had a firm policy of intolerance regarding terrorism. Granting clemency to members of the FALN sends the wrong message about America's commitment to fighting terrorism. In fact, it sends the wrong message about America's commitment to fighting crime at home.

It is telling that the FALN terrorists did not immediately agree to the simple conditions that the President placed on his generous offer. It took them weeks to agree to renounce the use of violence and submit to standard conditions of parole. Indeed, some never did. Moreover, it does not appear that they have even expressed regret or remorse for their crimes. This is clear from one of the members' appearance on a Sunday news program, where he refused to express sorrow or regret for his crimes.

An obvious question we must ask is whether the President will continue to grant clemency in a way contrary to American interests. I sincerely hope the President will not pardon or commute the sentence of convicted Israeli spy Jonathan Pollard. I sent the President a letter last week asking him to clearly affirm that he will not do this.

I hope the Senate today will invoke cloture on the resolution and express our profound opposition and concern regarding this matter.

Mr. LEAHY. Madam President, the Hispanic whose actions and fate I would like the Senate to focus on for action is Richard Paez. Richard Paez has never been convicted of a crime and is not associated with the FALN.

He is not a petitioner seeking presidency clemency. Rather, he is a judicial nominee who has been awaiting consideration and confirmation by the Senate since January 1996—for over 3½ years.

The vacancy for which Judge Paez was nominated became a judicial emergency during the time his nomination has been pending without action by the Senate. His nomination was first received by the Senate almost 44 months ago. This nomination has now been held even longer than the unconscionable 41 months this Senate forced Judge William Fletcher to wait before confirming his nomination last October.

Judge Paez has twice been reported favorably by the Senate Judiciary Committee to the Senate for final action. He is again on the Senate calendar. He was delayed 25 months before finally being accorded a confirmation hearing in February 1998. After being reported by the Judiciary Committee in March 1998, his nomination was held on the Senate Executive Calendar without action for over 7 months, for the remainder of the last Congress.

Judge Paez was renominated by the President again this year and his nomination was stalled without action before the Judiciary Committee until late July, when we were able to have his nomination reported again. The Senate refused to consider the nomination before the August recess. I have repeatedly urged the Republican leadership to call this nomination up for consideration and a vote. If they can make time on the Senate floor for debate and consideration of a Senate resolution commenting on the clemency grant, which is a power the Constitution invested in the President without a congressional role, the Senate should find time to consider the nomination of this fine Hispanic judge.

Judge Paez has the strong support of both California Senators and a "well-qualified" rating from the American Bar Association. He has served as a municipal judge for 13 years and as a federal judge for four years.

In my view Judge Paez should be commended for the years he worked to provide legal services and access to our justice system for those without the financial resources otherwise to retain counsel. His work with the Legal Aid Foundation of Los Angeles, the Western Center on Law and Poverty and California Rural Legal Assistance for nine years should be a source of praise and pride.

Judge Paez has had the strong support of California judges familiar with his work, such as Justice H. Walter Crosby, and support from an impressive array of law enforcement officials, including Gil Garcetti, the Los Angeles District Attorney; the late Sherman Block, then Los Angeles County Sheriff; the Los Angeles County Police Chiefs' Association; and the Association for Los Angeles Deputy Sheriffs.